



## Department Policy No. HR-226-98

<b>Subject:</b>	Sexual Harassment
<b>Authorizing Source:</b>	Title VII of the 1964 Civil Rights Act RCW 49.60 Washington State Law Against Discrimination WAC 357-34-100 Governor's Executive Order 89-01
<b>Information Contact:</b>	Human Resources Director Building # 33 (253) 512-7941
<b>Effective Date:</b>	January 1, 1998
<b>Revised:</b>	June 1, 2012
<b>Mandatory Review Date:</b>	June 1, 2016
<b>Approved By:</b>	 Timothy J. Lowenberg, Major General The Adjutant General Washington Military Department Director

### Purpose

To increase employee awareness and communicate the Washington Military Department's policy on the prevention of sexual harassment in the workplace.

### Applicability

This policy is applicable to all state employees and supervisors of state employees of the Washington Military Department.

### Definitions

Sexual harassment is a form of sex discrimination and is an unlawful employment practice. Unwelcome or unsolicited sexual advances, requests for sexual favors or other verbal or physical contact of a sexual nature constitutes sexual harassment when any of the following occur:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or other Department-related decisions affecting an individual; or
- c. Such conduct unreasonably interferes with an individual's work performance or statutory rights, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can be in the form of 1) verbal behavior such as unwanted sexual comments, suggestions, jokes, or requests for sexual favors; 2) non-verbal behavior such as gestures, leering, pictures, or cartoons; and 3) physical behavior such as assault, molestation, touching, or repeated brushing against a person's body.

Sexual harassment allegations can stem from conduct outside the office, ongoing or former consensual office relationships.

## **Policy**

It is the policy of the Washington Military Department to provide a work environment free from sexual harassment, a form of sex discrimination that violates equal employment laws.

1. All employees are responsible for maintaining a work environment free from sexual harassment and for projecting attitudes and behaviors to ensure sexual harassment does not occur.
2. Managers/supervisors observing or having knowledge of incidents or practices in the workplace that may constitute sexual harassment as defined in the definitions section of this policy shall immediately take appropriate corrective action.
3. The Department will provide mandatory training every five (5) years to educate and inform managers, supervisors, and employees regarding their responsibilities and liability in preventing sexual harassment in the work place.
4. No employee will be discriminated or retaliated against in any way for initiating a complaint of sexual harassment.
5. Employees who violate this policy shall be subject to disciplinary action in accordance with Washington Administrative Code.

Employees who believe that they have been subjected to sexual harassment may file a complaint under the following sexual harassment investigative procedures.

## **Procedures**

### **Reporting**

1. Any employee who believes that he or she is being subjected to sexual harassment by an agency employee, supervisor, client, or contractor should

immediately demand that the alleged harasser stop the conduct and notify their immediate supervisor of the alleged harassment.

2. If the alleged harasser is the employee's supervisor, the employee should notify the supervisor's supervisor.
3. Alternatively, the employee should notify the Human Resource Director of the harassing behavior.

### **Following-up on Supervisors/Managers and Human Resource Office**

1. Supervisors, managers, and the Human Resource Director have an ongoing obligation to respond promptly to reported incidents of sexual harassment in the workplace.
2. When a supervisor receives a complaint alleging sexual harassment, he or she shall immediately notify the Human Resource Director of the allegations and promptly investigate the complaint.

### **Investigations**

1. Investigative procedures depend on the nature and extent of the alleged sexual harassment. Procedures may include informal review or formal investigations. A formal investigation may include interviews with the complainant, the alleged harasser, and observers.
2. If, after the investigation is complete, there is a finding that sexual harassment occurred, the appointment authority (The Adjutant General) may take appropriate disciplinary action up to and including dismissal.
3. If, in the course of the investigation, the allegations made are found to have been made under false pretences or determined to be frivolous in nature, the person making the accusations may be subject to appropriate disciplinary action, up to and including dismissal.
4. Managers, supervisors, contractors, and clients will cooperate in all phases of the investigation.
5. Retaliation against the alleged victim, alleged harasser, people reporting allegations, and/or people participating in the investigation is prohibited.
6. Every effort will be made to maintain confidentiality to the extent permitted by law.

### **Complaints to Outside Agencies**

Any employee who believes he or she has been subjected to sexual harassment in the workplace has the right to file a complaint with (1) the Washington State Human Rights Commission, (1-800-233-3247), 711 South Capital Way, Suite 402, PO Box 42490, Olympia, WA 98504-2490 or (2) The Federal Equal Opportunity Commission (1-800-669-4000), 1801 L Street NW, Washington D.C., 20507.